



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,885	01/29/2004	Nobukazu Suzuki	03500.017861.	2302
5514	7590	07/09/2009		
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER	
			ZHU, RICHARD Z	
			ART UNIT	PAPER NUMBER
			2625	
			MAIL DATE	DELIVERY MODE
			07/09/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/765,885	Applicant(s) SUZUKI, NOBUKAZU
	Examiner RICHARD Z. ZHU	Art Unit 2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 April 2009.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-6 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-6 and 15 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/0256/06)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/28/2009 has been entered.

Response to Applicant's Arguments

2. After due consideration of the prior arts applied and applicant's arguments, previous grounds of rejection are vacated without prejudice and new grounds of rejections are entered in the instant office action.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 15 are under 35 USC 103 (a) over *Yoshida (US 6178005 B1)* in view of *Hayashi et al (US 4935809 A)*.

Regarding the system of Claim 15 and therefore method of Claim 1, Yoshida discloses a system for reading a plurality of originals which are placed on an original support of an image reading apparatus (Fig 1 and see Col 3, Rows 28-34, a reading circuit 10 for reading a manuscript to generate image signals), the system comprising:

an image reader for reading each of the images of the originals placed on the original support to generate image signals (Fig 1 and see Col 3, Rows 28-34, reading circuit 10);

a placement orientation detector for detecting placement orientation of the original as to whether it is landscape or portrait (Col 5, Rows 6-15, a control circuit 36 incorporating a control program to manage the overall operations of the system to include determining whether received image signal is landscape or portrait; see for example Fig 5, S70 and S82), based on lengths in horizontal and vertical directions of the image signal generated by said image reader (Col 5, Rows 39-44 and see for examples Col 6, Rows 17-22 and Rows 64-67, a check to determine size and orientation of the image on the basis of the image signal as described by main scan length and sub-scanning length);

an image signal rotator for rotating the image signal to be in a landscape placement (Col 5, Rows 6-15, a control circuit 36 and see Fig 1, Length to Width Conversion Circuit 30, Col 4, Rows 10-18. To rotate an image by 90°), when the placement orientation of the original detected by said placement orientation detector is different from the landscape placement (Fig 9, S212 and S214, when it is detected that placement orientation is portrait instead of landscape, S226, the image is length to

width converted or rotated by 90° and rotated into landscape placement. See Col 1, Rows 32-35).

Yoshida does not disclose:

1. reading a plurality of film originals mounted with a slide mount;
2. displaying said originals on a monitor unit connected to the image reading apparatus and therefore a read image signal display for displaying the plurality of read image signals on one display screen of the monitor unit in the landscape displacement and in a form of a thumbnail type display;
3. cutting out image areas in said image reading step.

Hayashi discloses a system for reading a plurality of film originals (Fig 1 and see Col 4, Rows 20-40, a color film analyzer for reading a number of rolls of color negative films), mounted with a slide mount (Col 4, Rows 24-26, film supply reel 11), which are placed on an original support (Col 6, Rows 10-12, carrier 54 for placing each frame in position for scanning) of an image reading apparatus (Col 6, Rows 16-18, scanner 58) and for displaying them on a monitor unit of a computer connected to the image reading apparatus (Fig 2 and see Col 5, Rows 3-30, color monitor 33), the system comprising:

an image reader for reading each of the images of the originals placed on the original support (Col 6, Rows 16-18, scanner 58), identifying a number of frames of film originals present on the original support (Col 7, Rows 6-22, identifying each picture frame from one another to determine the proper exposure correction for each frame), and for cutting out image areas of frames of the film originals to generate image signals (Col 8, Rows 15-33, image area data of each frame is extracted and stored into memory);

a read image signal display for displaying the plurality of read image signals on one display screen of the monitor unit in a form of a thumbnail type display (**Fig 2, Monitor 33 and see Figs 10-14 and 17-19**).

Considering how a film of image is read in *Hayashi* (**Fig 6**) and how it is display (**Fig 5**) would require a rotation process similar to *Yoshida*, it would've been obvious to one of ordinary skill in the art at the time of the invention to apply the orientation determination and correction processing of *Yoshida* in the film reading process of *Hayashi* as it would naturally allow the color monitor of *Hayashi* to display the image as shown in Fig 5 despite the orientation of the film original of Fig 6, from which image data of Fig 5 is derived from.

5. Claims 2-6 are under 35 USC 103 (a) over *Yoshida (US 6178005 B1)* in view of *Hayashi et al (US 4935809 A)* further in view of *Dow et al. (US 6784904 B2)*.

Regarding Claims 2-6, the combined teachings do not disclose providing an option to an user to make optionally rotations with respect to orientation. That is, it does not provide an user friendly interface that allows an user to perform various tasks optionally.

Dow discloses a system (**Fig 1 A-D**) for displaying image information, wherein when image information of a plurality of originals that is different in its horizontal and vertical lengths placed on an original support is read by an image reading apparatus (**Fig 8C and 8F, the image captured is different in its horizontal length and vertical length**) and said read image is displayed on a display apparatus in a thumbnail display form (**Fig 2, Thumbnail View Module 82 and see Col 7, Rows 7-8**).

Regarding Claim 2, Dow discloses a method of displaying a read image signal further comprising a display orientation setting step (**Fig 1A, Rotation Button 32**) of setting said predetermined orientation (**Col 7, Rows 60-63**).

Regarding Claim 3, Dow discloses a method of displaying a plurality of read image signals further comprising

a second image signal rotation step of rotating said plurality of image signals by a predetermined angle (**Col 7, Rows 53-63, activation of rotation button will rotate said image signal by a predetermined angle**) irrespective of the placement orientation detected in said placement orientation detection step (**Col 7, Rows 53-57, the orientation detected in the default state is the placement orientation**), and

a second display orientation setting step of setting whether the images are to be displayed in the orientation aligned with said predetermined orientation or the images rotated by said second image signal rotation step is to be displayed (**If the user chooses to activate rotation button 32, the image that is rotated by 90° relative to the placement orientation will be displayed by display 24**).

Regarding Claim 4, Dow discloses a method of displaying a read image signal wherein said second display orientation setting step can optionally set to display the image in the orientation detected in the placement orientation detection step (**Col 7, Rows 53-63, the user chooses not to activate the rotate button 32, the image will be displayed in an orientation that is originally detected when the image is initially captured**).

Regarding Claim 5, Dow discloses a method of displaying a read image signal wherein said second image signal rotation step further includes upon rotating the image

signal by the predetermined angle, correcting its little inclination with respect to a vertical or horizontal direction (**Col 7, Rows 53-63, if the user chooses to activate the rotate button 32, the image will be displayed in an orientation that is rotated by a predetermined angle relative to the orientation originally detected when the image is initially captured. This is accomplished by correcting the inclination of the image signal with respect to a vertical or horizontal direction).**

Regarding Claim 6, Dow discloses a method of displaying a read image signal wherein in said image reading step, a plurality of originals placed on the original support are read (**scanning a plurality of original is determine by the user in accordance to user defined necessity**) and the other steps are performed on an image signal obtained from each of the originals individually (**Col 7, Row 63 – Col 8, Row 6, other steps includes magnifying, capture, send, delete, attach, detach and etc**).

Given the advantages of **Dow's** Device, it would've been obvious to one of ordinary skill in the art at the time of the invention to modify the display interface of the combined teachings to include features of **Dow** as cited in Claims 2-6 whereas the motivation would've been to presents a novel user interface which makes the menu/image navigation user interface and method a solution in devices with limited resources which need to be able to navigate among multiple images arranged in different orientations (**Dow, Abstract**).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Richard Z. Zhu whose telephone number is 571-270-1587 or examiner's supervisor King Y. Poon whose telephone number is 571-272-7440. Examiner Richard Zhu can normally be reached on Monday through Thursday, 0630 - 1700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RZ²
05/19/2009

Richard Z. Zhu
Assistant Examiner
Art Unit 2625

/King Y. Poon/
Supervisory Patent Examiner, Art Unit 2625